BILL NO. Z-73-~~09~~-10-34

ZONING ORDINANCE NO. Z-03-76

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. CC18.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1: That the area described as follows is hereby designated a B4 district under the terms of Chapter 36, Municipal Codes of the City of Fort Wayne, Indiana, 1946, as amended by General Ordinance No. 2836 and amendments thereof, and the symbols of the City of Fort Wayne Zoning Map No. CC18 referred to therein, established by Section 9, Article III of said Chapter as amended are hereby changed accordingly, to-wit:

Part of the Southwest quarter of Section 34, Township 30 North, Range 12 East in Allen County, Indiana, more particularly described as follows, to-wit:

Beginning at a point 40 feet East of the Northwest corner of the South half of the Southwest quarter of Section 34, Township 30 North, Range 12 East in Allen County, Indiana, said point being also situated on the East right of way line of State Road 1; thence North 362 feet along said East right of way line of State Road 1; thence East 535 feet parallel to the South line of the North half of Southwest quarter; thence South 847 feet parallel to West line of Southwest quarter to the North right of way of Baer Field Expressway; thence Southwest and Northwest 572 feet along said right of way of Expressway to the East right of way line of State Road 1; thence North along said East right of way line of State Road 1 a distance of 400 feet to a point 60 feet East of West line of Section 34; thence West 20 feet; thence North 170 feet parallel with said West line of Section 34 to the place of beginning, containing 11.36 acres, more or less.

AND ALSO

Part of the South half of the Southwest quarter of Section 34, Township 30 North, Range 12 East in Allen County, Indiana, more particularly described as follows, to-wit:

Beginning at a point 575 feet East and 20 feet North of the Southwest corner of the Southwest quarter of Section 34, Township 30 North, Range 12 East in Allen County, Indiana; thence North 650 feet parallel to West line of Southwest quarter to the South right of way line of Baer Field Expressway; thence Southwest

225 feet along said right of way to a point 93.5 feet Southeast of centerline of expressway; thence continuing Southwest 145 feet along right of way to point 100.42 feet Southeast of centerline of expressway; thence continuing Southwest 103 feet along said right of way to a point 113 feet Southeast of centerline of expressway; thence Southwest 140 feet along said right of way to a point on the East right of way line of State Road 1, said point being 72 feet East of the centerline of State Road 1; thence South 225 feet along East right of way line of State Road 1 to point 72 feet East of said centerline; thence Southeast 145 feet along said East right of way line of State Road 1 to a point 177 feet East of said centerline and 20 feet North of the South line of Section 34; thence East 363 feet parallel to said South line of Section to the point of beginning, containing 5.81 acres, more or less.

SECTION 2. This ordinance shall be in full force and effect from and after its passage and approval by the Mayor and legal publication thereof.

John Ruckels
Councilman

APPROVED AS TO FORM
AND LEGALITY
CITY ATTORNEY

Read the first time in full and on motion by Nuckols, seconded by Talarico, and duly adopted, read the second time by title and referred to the Committee on Regulations (and the City Plan Commission for recommendation) ~~and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 197_____, at _____ o'clock P.M.,E.S.T.~~

Date: 10/9/73

CITY CLERK

Read the third time in full and on motion by Burns, seconded by Hinga, and duly adopted, placed on its passage. Passed (~~LOST~~) by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
	8	0	0	1
BURNS	✓			
HINGA	✓			
~~KRAUS~~ HUNTER	✓			
MOSES	✓			
NUCKOLS			~~✓~~	✓
SCHMIDT, D.	✓			
SCHMIDT, V.	✓			
STIER	✓			
TALARICO	✓			

DATE: 4-13-76

CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (Zoning Map) (~~General~~) (~~Annexation~~) (~~Special~~) (~~Appropriation~~) Ordinance (Resolution) No. 3-03-76 on the 13th day of April, 1976.

ATTEST: (SEAL)

CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of April, 1976, at the hour of 11:00 o'clock A.M.,E.S.T.

CITY CLERK

Approved and signed by me this 14th day of April, 1976, at the hour of 5:15 o'clock P.M.,E.S.T.

MAYOR

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on October 9, 1973, referred a proposed zoning map amendment to the City Plan Commission, which proposed ordinance was designated as Bill No. Z-73-10-34; and,

WHEREAS, the required notice of public hearing on such proposed ordinances has been published as required by law; and,

WHEREAS, the City Plan Commission con ducted a public hearing on such proposed ordinance on November 19, 1973;

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that such ordinance DO PASS, providing that Parcel "A" which is located on the northeast corner of State Road # 1 (Bluffton Road) and the Baer Field Expressway, be rezoned to a "B4" Zoning Classification, and that Parcel "B", which is located on the southeast corner of State Road # 1 (Bluffton Road) and the Baer Field Expressway, be perfected to an "R3" Zoning Classification, for the reasons that a need has been shown for the Land Use Plan to be amended, the amendment will be in the best interest of and benefit to the area involved and of and to the City, and the amendment will not be detrimental to and does not conflict with the overall City Plan;

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

THIS IS TO CERTIFY that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held February 25, 1974.

Certified and signed this
29th day of March, 1976.

Joseph N. Adair

Joseph N. Adair
Secretary

Hold
Gary Bata

Bill No. Z-73-10-34

REPORT OF THE COMMITTEE ON REGULATIONS

We, your Committee on Regulations to whom was referred an Ordinance amending the City of Fort Wayne Zoning Map No. CC18

have had said Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance DO PASS.

John Nuckols - Chairman

Paul M. Burns - Vice-Chairman

Vivian G. Schmidt

Winfield C. Moses, Jr.

Donald J. Schmidt

DATE 4-13-76 CONCURRED IN

CHARLES W. [illegible] CITY CLERK

Bill No. Z-73-10-34

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Amending the City of Fort Wayne Zoning Map No. CC18

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John Nuckols - Chairman

Vivian G. Schmidt - Vice-Chairman

William T. Hinga

Paul M. Burns

Donald J. Schmidt

Prescribed by State Board of Accounts

A.E. BOYCE CO., MUNCIE, IND. GENERAL FORM NO. 252

RECEIPT

GENERAL FUND

No. 222

FT. WAYNE, IND., 9/12 19 73

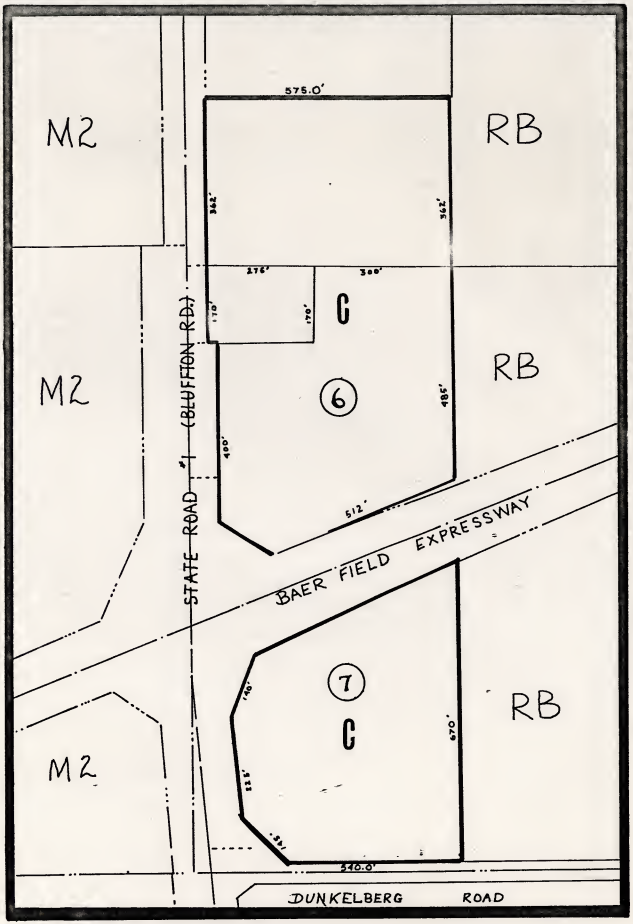
RECEIVED FROM Hagerman-Joint Acct. $ 50.00

THE SUM OF Fifty and 00/100 DOLLARS

ON ACCOUNT OF Bluffton Rd + Baer Field Thruway.

Barb Steele

AUTHORIZED SIGNATURE



C - CHANGE FROM RB & B4

PAGE - CC 18

Z-73-10-34

DATE 9/12-73

PETITION FOR ZONING ORDINANCE AMENDMENT Receipt No. _____

TO: COMMON COUNCIL OF THE Date Filed _____
CITY OF FORT WAYNE, INDIANA Intended Use _____

X/We Theodore F. Hagerman and William O. Hagerman,
(Applicant's Name or Names)
do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne, Indiana, by reclassifying from a/an RB District to a/an B-4 District the property described as follows:

Part of the Southwest quarter of Section 34, Township 30 North, Range 12 East in Allen County, Indiana, more particularly described as follows, to-wit:

Beginning at a point 40 feet East of the Northwest corner of the South half of the Southwest quarter of Section 34, Township 30 North, Range 12 East in Allen County, Indiana, said point being also situated on the East right of way line of State Road 1; thence North 362 feet along said East right of way line of State Road 1; thence East 535 feet parallel to the South line of the North half of Southwest quarter; thence South 847 feet parallel to West line of Southwest quarter to the North right of way of Baer Field Expressway; thence Southwest and Northwest 572 feet along said right of way of Expressway to the East right of way line of State Road 1; thence North along said East right of way line of State Road 1 a distance of 400 feet to a point 60 feet East of West line of Section 34; thence West 20 feet; thence North 170 feet parallel with said West line of Section 34 to the place of beginning, containing 11.36 acres, more or less.

AND ALSO

Part of the South half of the Southwest quarter of Section 34, Township 30 North, Range 12 East in Allen County, Indiana, more particularly described as follows, to-wit:

Beginning at a point 575 feet East and 20 feet North of the Southwest corner of the Southwest quarter of Section 34, Township 30 North, Range 12 East in Allen County, Indiana; thence North 650 feet parallel to West line of Southwest quarter to the South right of way line of Baer Field Expressway; thence Southwest 225 feet along said right of way to a point 93.5 feet Southeast of centerline of expressway; thence continuing Southwest 145 feet along right of way to point 100.42 feet Southeast of centerline of expressway; thence continuing Southwest 103 feet along said right of way to a point 113 feet Southeast of centerline of expressway; thence Southwest 140 feet along said right of way to a point on the East right of way line of State Road 1, said point being 72 feet East of the centerline of State Road 1; thence South 225 feet along East right of way line of State Road 1 to point 72 feet East of said centerline; thence Southeast 145 feet along said East right of way line of State Road 1 to a point 177 feet East of said centerline and 20 feet North of the South line of Section 34; thence East 363 feet parallel to said South line of Section to the point of beginning, containing 5.81 acres, more or less.

X/We, perce one
Theoc
Willi
Legal
NOTE

All r ler advisement shall be filed in writing in the Office of the City Plan Commission by noon on the Wednesday preceding the meeting of the City Plan Commission at which the ordinance is to be considered. If the request for a continuance or advisement is filed within the required time, the matter will not be put on the agenda for that meeting. It shall be the obligation of the petitioner to notify the same property owners which the Plan Commission had notified by mail that the hearing has been postponed or rescheduled and inform them of the time and place of the meeting at which the ordinance will be considered. All withdrawals of ordinances must be made in writing prior to the Plan Commission's vote on the ordinance.

Name and address of preparer, attorney or agent:

Michael H. Kast (Name) | 305 Lincoln Bank Tower (Address) Fort Wayne, Indiana 46802 | 743-5366 (Telephone Number)

City Plan Commission, City-County Building, Room 800, One Main Street, Fort Wayne, Indiana 46802 Telephone Number 423-7571

PETITION FOR ZONING ORDINANCE AMENDMENT — Receipt No. _____

TO: COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA — Date Filed _____ Intended Use _____

X/We Theodore F. Hagerman and William O. Hagerman,
(Applicant's Name or Names)
do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne, Indiana, by reclassifying from a/an RB District to a/an B-4 District the property described as follows:

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Beginning at a point 40 feet East of the Northwest corner of the South half of the Southwest quarter of Section 34, Township 30 North, Range 12 East in Allen County, Indiana, said point being also situated on the East right of way line of State Road 1; thence North 362 feet along said East right of way line of State Road 1; thence East 535 feet parallel to the South line of the North half of Southwest quarter; thence South 847

X/We, the undersigned, certify that ~~xxx~~/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

(Name)	(Address)	(Signature)
Theodore F. Hagerman	403 Strauss Building Fort Wayne, Indiana	X Theodore F. Hagerman
William O. Hagerman	(same)	X William O. Hagerman

Legal Description Checked By: _____
(City Engineer)

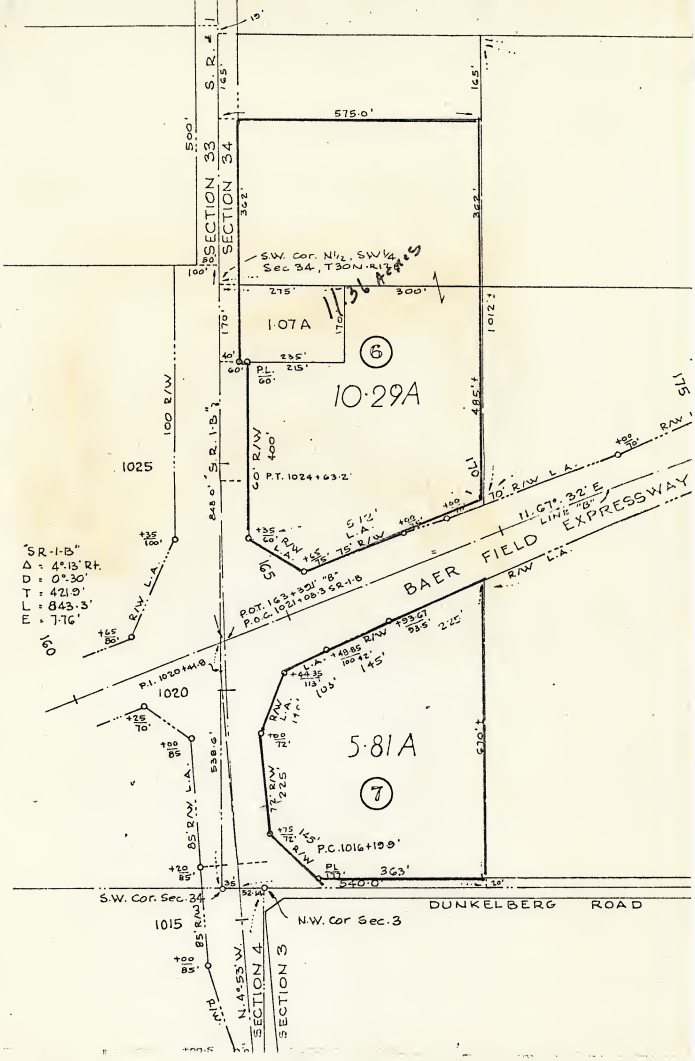
NOTE FOLLOWING RULES:

All requests for continuances or requests that ordinances be taken under advisement shall be filed in writing in the Office of the City Plan Commission by noon on the Wednesday preceding the meeting of the City Plan Commission at which the ordinance is to be considered. If the request for a continuance or advisement is filed within the required time, the matter will not be put on the agenda for that meeting. It shall be the obligation of the petitioner to notify the same property owners which the Plan Commission had notified by mail that the hearing has been postponed or rescheduled and inform them of the time and place of the meeting at which the ordinance will be considered. All withdrawals of ordinances must be made in writing prior to the Plan Commission's vote on the ordinance.

Name and address of preparer, attorney or agent:

(Name)	(Address)	(Telephone Number)
Michael H. Kast	305 Lincoln Bank Tower Fort Wayne, Indiana 46802	743-5366

City Plan Commission, City-County Building, Room 800, One Main Street, Fort Wayne, Indiana 46802 Telephone Number 423-7571



SECTION 33
SECTION 34
S.R. 1
575.0'
500'
165'
362'
S.W. Cor. N1/2, SW1/4
Sec 34, T30N-R12
275'
300'
1.07A
6
10.29A
P.L.
100 R/W
1025
"S.R.-1-B"
Δ = 4°-13' Rt.
D = 0°-30'
T = 421.9'
L = 843.3'
E = 7.76'
P.T. 1024+63.2'
BAER FIELD EXPRESSWAY
N. 67°-32' E
LINE "B"
R/W L.A.
P.O.T. 163+39.1' "B"
P.O.C. 1021+08.3 SR-1-B
P.I. 1020+41.8
1020
5.81A
7
P.C. 1016+19.9'
540.0'
363'
S.W. Cor. Sec. 34
DUNKELBERG ROAD
N.W. Cor Sec. 3
1015
N. 4°-53' W.
SECTION 4
SECTION 3

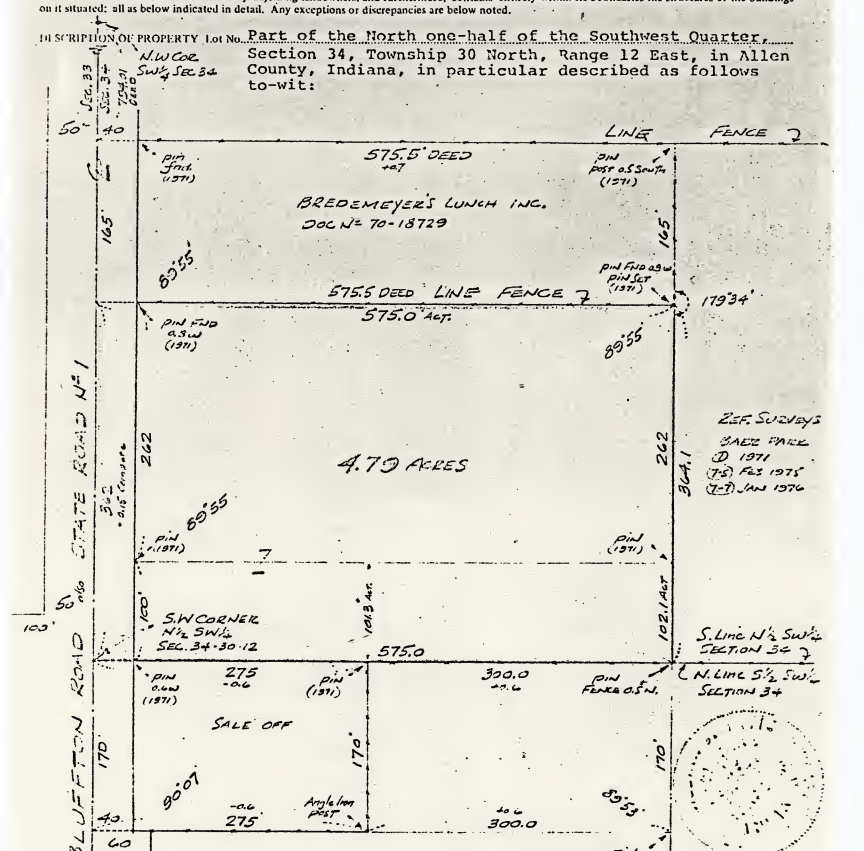
CERTIFICATE OF SURVEY LEGAL DESCRIPTION ONLY NUMBER SW 34-30-12

OFFICE OF HOFER AND DAVIS, INC.
CIVIL ENGINEERS & LAND SURVEYORS
FORT WAYNE, INDIANA

A. K. HOFER P.E. No. 72 (1968) L. S. No. 10504
CARL A. HOFER P.E. No. 7122 L. S. No. 10031
WILLIAM S. DAVIS L. S. No. S-0053 L.S. No. 18114 Michigan

This document is the record of a resurvey of land and real estate situated in the City of Fort Wayne, Allen County, Indiana, made in accordance with the plat and deed record thereof on file in the Office of Recorder of said County and State. The land below described exists in full dimension as herein noted in feet, and is free from encroachments by adjoining landowners, and furthermore, contains entirely within its boundaries the structures of the buildings on it situated; all as below indicated in detail. Any exceptions or discrepancies are below noted.

DESCRIPTION OF PROPERTY Lot No. Part of the North one-half of the Southwest Quarter, Section 34, Township 30 North, Range 12 East, in Allen County, Indiana, in particular described as follows to-wit:



Commence at the Southwest corner of the North one-half of the Southwest Quarter of said Section 34; thence Northerly along the West line of said Quarter Section as defined by the centerline of a public road known as the Bluffton Road also, State Road No. 1, a distance of 362.0 feet to the South line of a Parcel of land conveyed by Instrument recorded in Document No. 70-18729; thence Easterly along the line aforesaid by a deflection right of 89 degrees 55 minutes and defined by line fence, a distance of 575.0 feet (575.5 feet, deed); thence Southerly by a deflection right of 90 degrees 05 minutes and parallel to the West line of said Quarter Section, a distance of 364.1 feet to the South line of the North one-half of the Southwest Quarter of said Section 34; thence Westerly along the line aforesaid, a distance of 575.0 feet to the point of beginning; containing 4.79 acres, more or less, of land; SUBJECT TO the Bluffton Road upon and over 40 feet off the West border thereof.

IN WITNESS WHEREOF, I place my hand and seal this 30th day of JAN., 1976

Wm. S. Davis

PARCEL A

CERTIFICATE OF SURVEY NUMBER CAL 3--30-4

OFFICE OF **HOFER AND DAVIS, INC.**

CIVIL ENGINEERS & LAND SURVEYORS
FORT WAYNE, INDIANA

A. R. HOFER P.E. No. 72 (1968) L. S. No. 10501 | CARL A. HOFER P.E. No. 7122 L. S. No. 10031 | WILLIAM S. DAVIS L. S. No. S-0053 L.S. No. 18114 Michigan

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No Scale

DESCRIPTION OF PROPERTY Lot No. SEE ATTACHED SHEET

IN WITNESS WHEREOF, I place my hand and seal February 1975

PARCEL A

C. A. Hofer

BAER PARK (7-5)

Part of the South one-half of the Southwest Quarter of Section 34, Township 30 North, Range 12 East, in Allen County, Indiana, in particular described as follows, to-wit:

Commence on the North line of the South one-half of said Quarter Section at an iron pin found situated 274.4 feet (275.0 feet deed) East of the Northwest corner thereof; thence continuing Easterly along the North line of the South one-half of said Quarter Section, as defined by a line fence, a distance of 300.6 feet; thence Southerly by a deflection right of 89 degrees 53 minutes and parallel to the West line of said Quarter Section, a distance of 480.3 feet to the Northerly right-of-way line of the BAER FIELD EXPRESSWAY as established by Project "U" 377(10) and situated 70.0 feet normally distant Northwestward of said Highway centerline; thence Southwesterly along said right-of-way line by a deflection right of 68 degrees 12 minutes, a distance of 80.6 feet to Plan Station 169+00 as situated 70.0 feet normally distant Northwestward of said Highway centerline; thence continuing Southwesterly along said right-of-way line by a deflection right of 2 degrees 52 minutes, a distance of 100.2 feet to Plan Station 168+00 as situated 75.0 feet normally distant Northwestward of said Highway centerline; thence continuing Southwesterly along said right-of-way line by a deflection left of 2 degrees 52 minutes, a distance of 232.7 feet to Plan Station 165+65 as situated 75.0 feet normally distant Northwestward of said Highway centerline; thence continuing Northwesterly along said right-of-way line by a deflection right of 51 degrees 23 minutes, a distance of 147.5 feet to the Easterly right-of-way line of State Road No. 1 at Plan Station 1023+35 and situated 60.0 feet radially distant Eastward of said Highway centerline; thence Northerly along said right-of-way line, introrsely concentric to the 0 degrees 30 minutes centerline circular curve to the right, a distance of 127.5 feet to a point of tangent at Plan Station 1024+63.2 feet; thence continuing Northerly along said right-of-way tangent, a distance of 260.1 feet to a concrete highway monument as situated 60.0 feet normally distant Eastward of said Highway centerline and 170.0 feet South of the North line of the South one-half of the Southwest Quarter of said Section 34; thence Easterly and parallel to the North line of the South one-half of said Quarter Section, a distance of 214.4 feet; thence Northerly and parallel to the West line of said Quarter Section, a distance of 170.0 feet to the point of beginning; containing 5.829 acres of land, more or less.

IN WITNESS WHEREOF, I place my hand and seal this 27th day of February, 1975.

Carl A Hofer

GENERAL NOTE: Dimensions, courses, and areas used in descriptions (7-1) (7-2) (7-3) (7-4) and (7-5) vary from map compiled by F.B.A. Blackburn, Surveyor, dated July 10, 1967, and from descriptions thereto prepared by Mr. Blackburn dated November 15, 1967, and later incorporated in Deed Record 712, pages 572 and 576 as Tract No. 1 to No. 9, vary with State Highway Plans as indicated, but are in accordance with State Highway hubs and concrete monuments found in the field as indicated on survey map and certificates attached.

PARCEL A

CERTIFICATE OF SURVEY NUMBER [illegible]

OFFICE OF HOFER AND DAVIS, INC.

CIVIL ENGINEERS & LAND SURVEYORS
FORT WAYNE, INDIANA

A. K. HOFER P.E. No. 72 (1963) L.S. No. 10504

CARL A. HOFER P.E. No. 7122 L.S. No. 10031

WILLIAM S. DAVIS L.S. No. S-0053 L.S. No. 18114 Michigan

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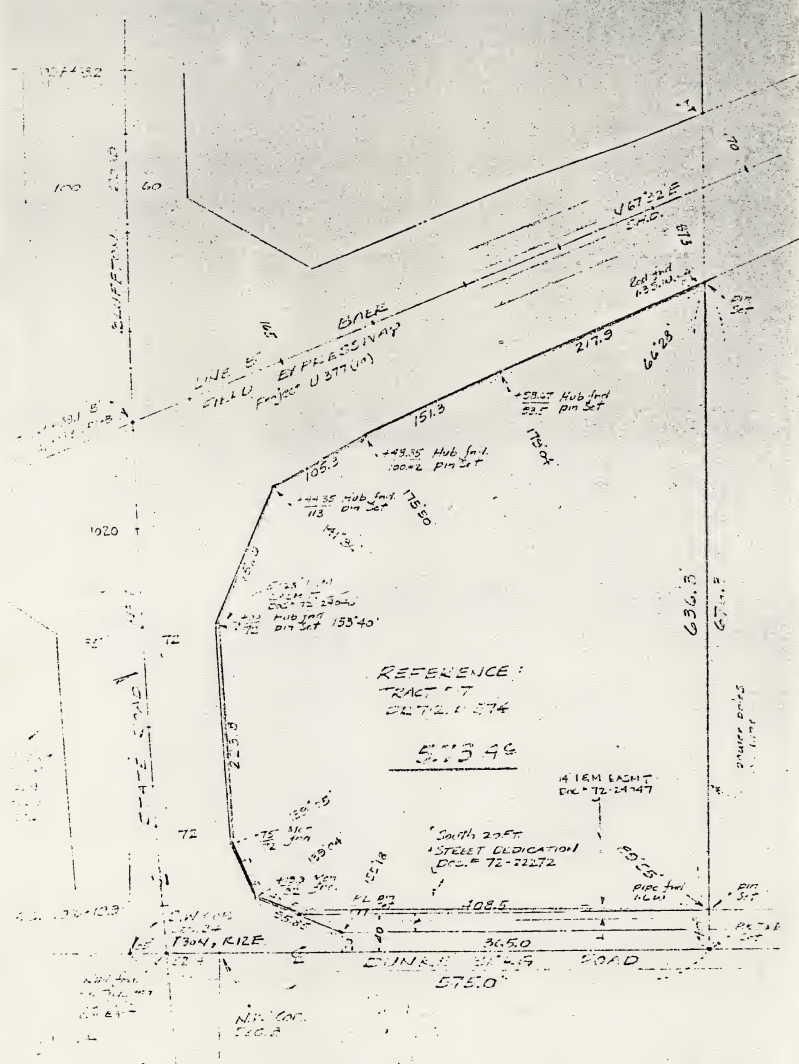
DESCRIPTION OF PROPERTY Lot No. SEE ATTACHED SHEET



IN WITNESS WHEREOF, I place my hand and

[illegible] 1975

PARCEL B

BAER PARK (7-4)

Part of the South one-half of the Southwest Quarter of Section 34, Township 30 North, Range 12 East, in Allen County, Indiana, in particular described as follows to-wit:

To arrive at the point of beginning commence on the South line of said Quarter Section as defined by the centerline of the Dunkelberg Road at a point situated 575.0 feet East of the Southwest corner thereof; thence Northerly and parallel to the West line of said Quarter Section, a distance of 40.0 feet to the point of beginning initially referred to; thence continuing Northerly and parallel to the West line of said Quarter Section a distance of 636.3 feet to the Southeasterly right-of-way line of the BAER FIELD EXPRESSWAY as established by Project "U" 377 (10) and situated 87.3 feet normally distant Southeastward of said highway centerline; thence Southwesterly along said right-of-way line by a deflection left of 113 degrees 32 minutes, a distance of 217.9 feet to Plan Station 166+98.67 as situated 93.5 feet normally distant Southeastward of said highway centerline; thence continuing Southwesterly along said right-of-way line by a deflection left of 00 degrees 56 minutes, a distance of 151.3 feet to Plan Station 165+48.85 as situated 100.42 feet normally distant Southeastward of said highway centerline; thence continuing Southwesterly along said right-of-way by a deflection left of 4 degrees 10 minutes, a distance of 105.3 feet to Plan Station 164+44.35 as situated 113.0 feet normally distant Southeastward of said highway centerline; thence continuing Southwesterly along said right-of-way line by a deflection left of 38 degrees 24 minutes, a distance of 151.0 feet to the Easterly right-of-way line of State Road No. 1 at Plan Station 1019+00 as situated 72.0 feet radially distant Eastward of said highway centerline; thence Southeasterly along said right-of-way line introrsely concentric to the 0 degrees 30 minutes centerline circular curve to the left, a distance of 223.8 feet to a concrete highway monument at Plan Station 1016+75; thence Southeasterly along said right-of-way line by a deflection left of 20 degrees 55 minutes from the subtended chord of the preceding course, a distance of 58.05 feet to a concrete highway monument at Plan Station 1016+19.9 as situated 92.0 feet normally distant Eastward of said highway centerline; thence continuing Southeasterly along said right-of-way by a deflection left of 40 degrees 56 minutes, a distance of 48.05 feet to the Northerly right-of-way line of the Dunkelberg Road as dedicated by instrument recorded in Document No. 72-22272 and situated 40.0 feet normally distance Northward of said road centerline; thence Easterly along the Northerly right-of-way line of said Dunkelberg Road by a deflection left of 24 degrees 42 minutes, a distance of 408.5 feet to the point of beginning, containing 5.73 acres of land, more or less.

NOTE: A title search might indicate other easements than those indicated on the Certificate of Survey map attached.

IN WITNESS WHEREOF, I place my hand and seal this 27th day of February, 1975.

Carl A. Hofer

PARCEL B

(7-1)

RESTRICTIVE COVENANT AGREEMENT

We, THEODORE F. HAGERMAN and WILLIAM O. HAGERMAN, being the undivided equal owners in common of the real estate described in attached exhibit marked Parcel A and Parcel B, which by this reference is incorporated herein, in consideration of permission to use said real estate for all uses permitted in a B-4 zoned district under the Fort Wayne Zoning Ordinance, as amended, for Parcel A and all uses permitted for an R-3 zoned area under the Fort Wayne Zoning Ordinance, as amended, for Parcel B, do hereby covenant and agree for ourselves, grantees, personal representatives, successors, and assigns as follows:

1. In the event that Parcel A is rezoned to a zoning of "B-4" under the Fort Wayne Zoning Ordinance, as amended, there shall be no ingress or egress to or from said Parcel A except from Bluffton Road with access limited to two curb cuts on said Bluffton Road.

2. In the event that Parcel B is rezoned to zoning classification "R-3" under the Fort Wayne Zoning Ordinance, as amended, there shall be no ingress or egress to or from said Parcel B real estate except from Bluffton Road only.

3. This restriction shall continue in effect indefinitely; provided, however, the same may be amended, changed, or rescinded in part or wholely but only by the appropriate action of the Fort Wayne Planning Commission, its successors and assigns, or the City Council of the city of Fort Wayne, its successors and assigns, pursuant to applicable law.

4. This is not a personal covenant, but shall run with the land and inure to the benefit of all owners of real estate within 500 feet of said real estate described hereinabove and of the public. It may be enforced by injunction or otherwise by any of said owners or by the city of Fort Wayne on behalf of the public.

WITNESS our hands and seals this 24th day of February,

1976.

HAGERMAN CONSTRUCTION CORPORATION

By W. O. Hagerman
WILLIAM O. HAGERMAN
Vice President

By William L. Kerr
WILLIAM L. KERR
Assistant Secretary

Theo. F. Hagerman
THEODORE F. HAGERMAN

W. O. Hagerman
WILLIAM O. HAGERMAN

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

Before me, a Notary Public in and for said county and state, on this 24th day of February, 1976, personally appeared THEODORE F. HAGERMAN and WILLIAM O. HAGERMAN, each being over twenty-one years of age and each acknowledging the execution of the above restrictive covenant agreement to be their individual, free, and voluntary act and deed.

John Alan Nickels
Notary Public

My Commission Expires
February 10 1977

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

Before me, a Notary Public in and for said county and state, on this 24th day of February, 1976, personally appeared WILLIAM O. HAGERMAN and WILLIAM L. KERR, Vice President and Assistant Secretary, respectively, of Hagerman Construction Corporation, being duly authorized to execute the above and foregoing restrictive covenant agreement, and acknowledge that the execution of the same is their free and voluntary act and deed for the uses and purposes therein set forth.

My Commission Expires
February 10 1977

John Alan Nickels
Notary Public

Prepared by MICHAEL H. KAST, 305 Lincoln Tower, Fort Wayne, Indiana.

City Clerk Memorandum

CHARLES W. WESTERMAN, Clerk

To Gary Baeton - City Plan Department Date 4-9-76

From Charles W. Westerman - City Clerk

Subject Appearance before Common Council - April 13, 1976

COPIES TO:

RE: BILL NO. Z-73-10-34

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. CC18

BILL NO. Z-76-01-10

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. HH-2

Your presence is respectfully requested by Common Council on April 13, 1976, at 7:00 o'clock P.M., Room 128. Specifically, Council has requested that you bring along any material or information you may have which will help them reach a decision regarding the above bills.

Admn. Appr. L

Number assigned by Dave Keller's Office: 3234

DIGEST SHEET

TITLE OF ORDINANCE Zoning Map Amendment Ordinance 3-73-10-34

DEPARTMENT REQUESTING ORDINANCE City Plan Commission

SYNOPSIS OF ORDINANCE Preparation of a Zoning Map Amendment Ordinance

Petition initiated by property owners to rezone property located as follows:

A parcel of ground located on the northeast corner of State Road # 1

(Bluffton Road) and the Baer Field Thru Way, containing approximately

11 1/3 acres, more or less, and a parcel of ground located on the

southeast corner of State Road # 1 (Bluffton Road) and the Baer Field

Thru Way, containing approximately 5 3/4 acres, more or less.

Change from an "RB" to "B4"

EFFECT OF PASSAGE Property would be changed from suburban residential

to Roadside Business.

EFFECT OF NON-PASSAGE Property would remain suburban residential

MONEY INVOLVED (Direct Costs, Expenditures, Savings) None

ASSIGNED TO COMMITTEE (J.N.) REG WCG

CITY OF FORT WAYNE

FORT WAYNE, INDIANA

CHARLES W. WESTERMAN
CITY CLERK

April 15, 1976

Miss Helen Libbing
Fort Wayne Newspapers, Inc.
600 West Main Street
Fort Wayne, Indiana 46802

Dear Miss Libbing:

Please give the attached full coverage on the dates of April 19 and April 26, 1976, in both the News Sentinel and Journal Gazette.

RE: Legal Notice for Common Council
of Fort Wayne, Indiana

Bill No. G-76-03-06
General Ordinance No. G-11-76

Bill No. Z-73-10-34
Zoning Ordinance No. Z-03-76

Please send us five (5) copies of the Publisher's Affidavit from both newspapers.

Thank you.

Sincerely,

Charles W. Westerman

Charles W. Westerman
City Clerk

CWW/ne
ENC: 2

Form Prescribed by State Board of Accounts — General Form No. 99 P (Rev. 1967)

Common Council of Fort Wayne
(Governmental Unit)

Allen County, Ind.

To JOURNAL-GAZETTE Dr.

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

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foregoing account is just and correct, that the amount claimed is legally due, after allowing all just of the same has been paid.

Arvilla DeWald

Title CLERK

., 19 76

OPY OF
ENT HERE

Notice is hereby given that on the 13th day of April, 1976, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session did pass the following Bill No. Z-73-10-34, Z 03 76 Zoning Ordinance, to-wit:

BILL NO. Z 73-10-34

ZONING ORDINANCE NO. Z 03-76

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. CC18.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1: That the area described as follows is hereby designated a B4 district under the terms of Chapter 36, Municipal Codes of the City of Fort Wayne, Indiana, 1946, as amended by General Ordinance No. 2834 and amendments thereof, and the symbols of the City of Fort Wayne Zoning Map No. CC18 referred to therein, established by Section 9, Article III of said Chapter as amended are hereby changed accordingly, to-wit:

Part of the Southwest quarter of Section 34, Township 30 North, Range 12 East in Allen County, Indiana, more particularly described as follows, to-wit:

Beginning at a point 40 feet East of the Northwest corner of the South half of the Southwest quarter of Section 34, Township 30 North, Range 12 East in Allen County, Indiana, said point being also situated on the East right of way line of State Road 1; thence North 363 feet along said East right of way line of State Road 1; thence East 535 feet parallel to the South line of the North half of Southwest quarter; thence South 847 feet parallel to West line of Southwest quarter to the North right of way of Baer Field Expressway; thence Southwest and Northwest 572 feet along said right of way of Expressway to the East right of way line of State Road 1; thence North along said East right of way line of State Road 1 a distance of 400 feet to a point 60 feet East of West line of Section 34; thence West 20 feet; thence North 170 feet parallel with said West line of Section 34 to the place of beginning, containing 11.36 acres, more or less.

AND ALSO

Part of the South half of the Southwest quarter of Section 34, Township 30 North, Range 12 East in Allen County, Indiana, more particularly described as follows, to-wit:

Beginning at a point 575 feet East and 20 feet North of the Southwest corner of the Southwest quarter of Section 34, Township 30 North, Range 12 East in Allen County, Indiana; thence North 450 feet parallel to West line of Southwest quarter to the South right of way line of Baer Field Expressway; thence Southwest 225 feet along said right of way to a point 93.5 feet Southeast of centerline of expressway; thence continuing Southwest 145 feet along right of way to point 100.42 feet Southeast of centerline of expressway; thence continuing Southwest 103 feet along said right of way to a point 113 feet Southeast of centerline of expressway; thence Southwest 140 feet along said right of way to a point on the East right of way line of State Road 1, said point being 72 feet East of the centerline of State Road 1; thence South 225 feet along East right of way line of State Road 1 to point 72 feet East of said centerline; thence Southeast 145 feet along said East right of way line of State Road 1 to a point 177 feet East of said centerline and 20 feet North of the South line of Section 34; thence East 363 feet parallel to said South line of Section to the point of beginning, containing 5.81 acres, more or less.

SECTION 2. This ordinance shall be in full force and effect from and after its passage and approval by the Mayor and legal publication thereof.

JOHN NUCKOLS,
Councilman

Read the third time in full and on motion by Burns, seconded by Hinga, and duly adopted, placed on its passage. PASSED by the following vote:

Ayes: Eight: Burns, Hinga, Hunter, Moses, D. Schmidt, V. Schmidt, Stier, Talarico.

Nays: None

Absent: One: Nuckols

Date: 4-13-76.

CHARLES W. WESTERMAN,
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Zoning Map Ordinance No. Z 03-76 on the 13th day of April, 1976.

ATTEST (SEAL)
Charles W. Westerman, City Clerk;
James S. Stier, Presiding Officer.

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of April, 1976, at the hour of 11:00 o'clock A.M., E.S.T.

CHARLES W. WESTERMAN,
City Clerk

Approved and signed by me this 14th day of April, 1976, at the hour of 5:15 o'clock P.M., E.S.T.

ROBERT E. ARMSTRONG,
Mayor

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, do hereby certify that the above and foregoing is a full, true and complete copy of General Ordinance No. Z-03-76 passed by the Common Council on the 13th day of April, 1976, and that said Ordinance was duly signed and approved by the Mayor on the 14th day of April, 1976 and now remains on file and on record in my office.

WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 14th day of April, 1976.

CHARLES W. WESTERMAN,
City Clerk

4-19-26.

PUBLISHER'S AFFIDAVIT

State of Indiana
ALLEN County } ss:

Personally appeared before me, a notary public in and for said county and state, the undersigned ARVILLA DEWALD who, being duly sworn, says that she is CLERK of the JOURNAL-GAZETTE a DAILY newspaper of general circulation printed and published in the English language in the city (town) of FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 time S, the dates of publication being as follows:

4/19-26/76

Arvilla DeWald

Subscribed and sworn to before me this 26th day of April 1976

Notary Public

My commission expires September 28, 1979

Form Prescribed by State Board of Accounts

General Form No. 99 P (Rev. 1967)

Common Council of Fort Wayne
(Governmental Unit)

To JOURNAL-GAZETTE Dr.

Allen County, Ind.

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) — number of equivalent lines		
Head	number of lines	
Body	number of lines	143
Tail	number of lines	2
	Total number of lines in notice	145

COMPUTION OF CHARGES

145 lines, 1 columns wide equals 145 equivalent lines at .288¢ cents per line	$ 41.76
Additional charge for notices containing rule or tabular work (50 per cent of above amount)	
Charge for extra proofs of publication (50 cents for each proof in excess of two)	1.50
TOTAL AMOUNT OF CLAIM	$ 43.26

DATA FOR COMPUTING COST

Width of single column 11 ems — Size of type 5½ point

Number of insertions 2 — Size of quad upon which type is cast 5½

Pursuant to the provision and penalties of Ch. 89, Acts 1967,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Orvilla DeWald

Date April 26, 19 76 — Title CLERK

Notice is hereby given that on the 13th day of April, 1976, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session did pass the following Bill No. Z-73-10-34, Z-03-76 Zoning Ordinance, to wit:

BILL NO. Z-73-10-34

ZONING ORDINANCE NO. Z-03-76

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. CC18

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a B4 district under the terms of Chapter 36, Municipal Codes of the City of Fort Wayne, Indiana, 1946, as amended by General Ordinance No. 2836 and amendments thereof, and the symbols of the City of Fort Wayne Zoning Map No. CC18 referred to therein, established by Section 9, Article III of said Chapter as amended are hereby changed accordingly, to wit:

Part of the Southwest quarter of Section 34, Township 30 North, Range 12 East in Allen County, Indiana, more particularly described as follows, to wit:

Beginning at a point 40 feet East of the Northwest corner of the South half of the Southwest quarter of Section 34, Township 30 North, Range 12 East in Allen County, Indiana, said point being also situated on the East right of way line of State Road [illegible]

CHARLES W. WESTERMAN
City Clerk

4-19-26.

COPY OF
ENT HERE

PUBLISHER'S AFFIDAVIT

State of Indiana
ALLEN County } ss:

Personally appeared before me, a notary public in and for said county and state, the undersigned ARVILLA DEWALD who, being duly sworn, says that she is CLERK of the JOURNAL-GAZETTE a DAILY newspaper of general circulation printed and published in the English language in the city (town) of FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 time s, the dates of publication being as follows:

4/19-26/76

Orvilla DeWald

Subscribed and sworn to before me this 26th day of April 1976

Notary Public

My commission expires September 28, 1979

Form Prescribed by State Board of Accounts

Common Council of Fort Wayne
(Governmental Unit)

Allen County, Ind.

To THE NEWS-SENTINEL Dr.

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

Notice is hereby given that on the 13th day of April, 1976, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session did pass the following Bill No. Z-73-10-34, Z-03-76 Zoning Ordinance, to-wit:

BILL NO. Z-73-10-34

ZONING ORDINANCE NO. Z-03-76

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Part of the Southwest quarter of Section 34, Township 30 North, Range 12 East in Allen County, Indiana, more particularly described as follows, to-wit:

Beginning at a point 40 feet East of the Northwest corner of the South half of the Southwest quarter of Section 34, Township 30 North, Range 12 East in Allen County, Indiana; said point being also situated on the East right of way line of State Road 1; thence North 362 feet along said East right of way line of State Road 1; thence East 535 feet parallel to the South line of the North half of Southwest quarter; thence South 847 feet parallel to West line of Southwest quarter to the North right of way of Baer Field Expressway; thence Southwest and Northwest 573 feet along said right of way of Expressway to the East right of way line of State Road 1; thence North along said East right of way line of State Road 1 a distance of 400 feet to a point 60 feet East of West line of Section 34; thence West 20 feet; thence North 170 feet parallel with said West line of Section 34 to the place of beginning, containing 11.36 acres, more or less.

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SECTION 2. This ordinance shall be in full force and effect from and after its passage and approval by the Mayor and legal publication thereof.

JOHN NUCKOLS,
Councilman

Read the third time in full and on motion by Burns, seconded by Hinga, and duly adopted, placed on its passage. PASSED by the following vote:

Ayes- Eight- Burns, Hinga, Hunter, Moses, D. Schmidt, V. Schmidt, Stier, Talarico.

Nays- None

Absent- One- Nuckols

Date- 4-13-76.

CHARLES W. WESTERMAN,
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Zoning Map Ordinance No. Z-03-76 on the 13th day of April, 1976.

ATTEST (SEAL)
Charles W. Westerman, City Clerk;
James S. Stier, Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of April, 1976, at the hour of 11:00 o'clock A.M., E.S.T.

CHARLES W. WESTERMAN,
City Clerk

Approved and signed by me this 14th day of April, 1976, at the hour of 5:15 o'clock P.M., E.S.T.

ROBERT E. ARMSTRONG,
Mayor

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, do hereby certify that the above and foregoing is a full, true and complete copy of General Ordinance No. Z-03-76 passed by the Common Council on the 13th day of April, 1976, and that said Ordinance was duly signed and approved by the Mayor on the 14th day of April, 1976 and now remains on file and on record in my office.

WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 14th day of April, 1976.

CHARLES W. WESTERMAN,
City Clerk

4 19 26.

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number of lines

number of lines 143

number of lines 2

Total number of lines in notice 145

CHARGES

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TOTAL AMOUNT OF CLAIM $ 43.26

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single column 11 ems Size of type 5½ point

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t the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just part of the same has been paid.

V. E. Gerken

, 19 76 Title CLERK

H COPY OF SEMENT HERE

PUBLISHER'S AFFIDAVIT

State of Indiana
ALLEN County } ss:

Personally appeared before me, a notary public in and for said county and state, the undersigned V.E. GERKEN who, being duly sworn, says that she is CLERK of the NEWS-SENTINEL a DAILY newspaper of general circulation printed and published in the English language in the city ~~town~~ of FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 time s, the dates of publication being as follows:

4/19-26/76

V. E. Gerken

Subscribed and sworn to before me this 26th day of April 19 76

Notary Public

My commission expires September 28, 1979

Form Prescribed by State Board of Accounts

Common Council of Fort Wayne
(Governmental Unit)

Allen **County, Ind.**

To THE NEWS-SENTINEL **Dr.**

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

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V.E. Gerken

Date April 26, **19** 76 **Title** CLERK

PUBLISHER'S AFFIDAVIT

State of Indiana **ALLEN County** } **ss:**

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a DAILY **newspaper of general circulation printed and published in the English language in the city / town of** FORT WAYNE, INDIANA **in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for** 2 **time** s, **the dates of publication being as follows:**

4/19-26/76

V.E. Gerken

Subscribed and sworn to before me this 26th **day of** April **19** 76

Notary Public

My commission expires September 28, 1979

Notice is hereby given that on the 12th day of April, 1976, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session did pass the following Bill No. Z-73-10-34, Z-03-76 Zoning Ordinance, to-wit:

BILL NO. Z-73-10-34

ZONING ORDINANCE NO. Z-03-76

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. CC18

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CHARLES W. WESTERMAN,
City Clerk

4 19 26.

I COPY OF
EMENT HERE

Branch.
A Fort Wayne native, Wagoner has served in the bank's Installment Loan Department since 1974. He is majoring in finance at the I.U. Fort Wayne Campus and